

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATHAN WINSTON BUNDY,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 19-3865
	:	
v.	:	
	:	
TAMMY FERGUSON, THE DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
PHILADELPHIA, and THE ATTORNEY	:	
GENERAL OF THE STATE OF	:	
PENNSYLVANIA,	:	
	:	
Respondents.	:	

**ORDER**

**AND NOW**, this 2nd day of September, 2020, after considering the petition under 28 U.S.C. § 2254 for a writ of habeas corpus filed by the *pro se* petitioner, Nathan Winston Bundy (Doc. No. 2), the petitioner’s motion to stay the habeas corpus petition and hold the matter in abeyance (Doc. No. 13), the memorandum in support of petition for writ of habeas corpus (Doc. No. 15), the response in opposition to the petition filed by the respondents (Doc. No. 18), the supplemental response to the motion for a stay (Doc. No. 20), and United States Magistrate Judge Thomas J. Rueter’s report and recommendation (Doc. No. 21), it is hereby **ORDERED** as follows:

1. The Honorable Thomas J. Rueter’s report and recommendation (Doc. No. 21) is **APPROVED** and **ADOPTED**;<sup>1</sup>

---

<sup>1</sup> Since neither party filed objections to Judge Rueter’s report and recommendation, the court need not review the report before adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). Nonetheless, “the better practice is for the district judge to afford some level of review to dispositive legal issues raised by the report.” *Id.* As such, the court will review the report for plain error. *See Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (“In the absence of a timely objection, . . . this Court will review [the magistrate judge’s] Report and Recommendation for clear error.” (internal quotation marks omitted)). The court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The court has reviewed Judge Rueter’s report for plain error and has found none. The court also notes that the respondents have indicated in their supplemental response that they do not oppose a stay. *See* Supp. Resp. to Mot. to Stay at 2, Doc. No. 20.

2. The petitioner's motion to stay the habeas corpus petition and hold the matter in abeyance (Doc. No. 13) is **GRANTED**. This matter shall be held in abeyance until the completion of the pending related state court proceedings; and

3. The petitioner and the respondents shall monitor the state court proceedings and immediately notify this court upon their conclusion.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.